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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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WEEK IN REVIEW

HOUSE

The House of Representatives approved and sent to the Senate **H.3227**, a bill that **EXEMPTS FROM PROPERTY TAXES THE HOMES OF FORMER PRISONERS OF WAR AND MEDAL OF HONOR WINNERS**. The bill exempts from property taxes the dwelling home and a lot not to exceed one acre of land owned in fee or for life or jointly with a spouse by a resident of this State who is a recipient of the Medal of Honor or who was a prisoner of war in World War I, World War II, the Korean Conflict, or the Vietnam Conflict. The exemption is allowed to the surviving spouse under the same terms and conditions governing the property tax exemption for surviving spouses of permanently and totally disabled veterans.

The House approved and enrolled for ratification **S.114**, a bill that increases from seven to nine the number of members of the **SENATE MANAGEMENT AND OPERATIONS COMMITTEE**.

SENATE

S.132 was read for the third time and ordered sent to the House. This bill relates to the **PENALTIES FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, DRUGS, OR NARCOTICS**. The bill provides that a violation of *South Carolina Code of Laws* §56-5-2930 (unlawful to operate a motor vehicle while under influence) or *South Carolina Code of Laws* §56-5-2933 (driving with an unlawful alcohol concentration) constitutes a prior offense for purposes of determining subsequent violations in accordance with *South Carolina Code of Laws* §56-5-2940. The bill further provides that this is a clarification of and not a change to the current law.

On June 22, 2000, the last day of the 2000 session, the South Carolina General Assembly adopted and ratified **S.250**, which, among other things, makes several changes to the **CAMPAIGN CONTRIBUTION AND LOBBYING LAWS** of this state. On November 16, 2000 the Governor vetoed this legislation. By a vote of 24 to 21, the Senate sustained the Governor's veto to the bill.

The Senate gave third reading to **S.222** and ordered the bill sent to the House. This bill relates to **THE STATE'S USE OF REVENUES OF THE TOBACCO MASTER SETTLEMENT AGREEMENT**. The bill authorizes additional legal investments for these revenues by the state treasurer in obligations of corporations and in states and political subdivisions outside of South Carolina, so long as the obligations are (1) denominated in United States dollars, and (2) bear an investment grade rating of at least two nationally recognized rating services.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources and Environmental Affairs Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee met twice this week, once to receive a briefing from the S.C. Department of Transportation, and again to receive a briefing from the S.C. Commission on Higher Education.

JUDICIARY

The Judiciary Committee gave a favorable recommendation with amendment to **H.3057**. As introduced, this bill establishes the **OFFENSE OF WILLFUL FAILURE TO APPEAR IN COURT TO ANSWER THE CHARGE OR INDICTMENT**. The Judiciary Committee's proposed amendment to this bill provides that it is unlawful for a person who has been released on bail or recognizance and who is subject to a bench warrant which has been outstanding for ninety days or more to willfully fail to appear at a court proceeding as required. As introduced, **H.3057** provides that if the person is released in connection with a felony charge or while awaiting sentence after conviction, the penalty is a fine of not more than five thousand dollars, or imprisonment of not more than five years, or both. The Judiciary Committee's proposed amendment increases the penalty to a fine of not more than ten thousand dollars, or imprisonment for not more than ten years, or both. If the person is released in connection with a misdemeanor charge, the penalty is a fine of not more than one thousand dollars, or imprisonment for not more than one year, or both. In addition, the bond or security pledged for the release of the person is forfeited. The Judiciary Committee's proposed amendment to the bill also provides that a person convicted of this new offense is not eligible for release on a personal recognizance bond if charged with committing any future offense.

H.3046, a bill pertaining to the **GENERAL EFFECTIVE DATE OF ACTS AND JOINT RESOLUTIONS**, received a favorable recommendation with amendment from the Judiciary Committee. Currently, an act or joint resolution passed by the General Assembly takes effect on the twentieth day after its approval by the Governor, unless some other day is specially named in the act as the day upon which it takes effect. Under this bill, all acts which impose a criminal penalty would be effective

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on January first of the year after approval by the Governor, unless another date is specially named in the act as the day upon which it takes effect.

As introduced, **H.3046** only applies to the general effective date of acts and joint resolutions. However, the Judiciary Committee's proposed amendment to the bill relates to the **CATEGORIZATION OF FELONIES AND MISDEMEANORS**. Under the Judiciary Committee's proposed amendment, all criminal offenses provided by statute or in common law with maximum terms of imprisonment of three years or less are misdemeanors and automatically are classified. The Judiciary Committee's proposed amendment further provides that all criminal offenses provided by statute or in common law with maximum terms of imprisonment of five years or more are felonies and are automatically classified. Current law provides a list of crimes that are exempt from this classification system. Under the Judiciary Committee's proposed amendment, the following are exempt from the classification system: (1) the common law offense of assault and battery of a high and aggravated nature, (2) all offenses with a term of imprisonment of less than one year, and (3) criminal offenses with a maximum penalty of life imprisonment or death (*However, this does not include offenses for which a sentence of life imprisonment may be given pursuant to South Carolina Code of Laws §17-25-45.*)

The Judiciary Committee gave a favorable report with amendment to **H.3042**; however, the Judiciary Committee's proposed amendment was not available in time to be included in this week's publication. As introduced, this bill amends the statutes relating to an **APPLICATION FOR A PERMIT TO SELL BEER AND WINE AND THE CRITERIA APPLICABLE TO ISSUE A MINIBOTTLE LICENSE**. As introduced, this bill requires an applicant to furnish certification from the municipality or county in which the business is to be conducted that the applicant is in compliance with all applicable zoning and land use ordinances and regulations of that jurisdiction.

The Judiciary Committee adjourned debate on **H.3131**. Currently, the statute of limitations for commencing an action for **ASSAULT AND BATTERY** is two years. This bill increases the statute of limitations to three years.

H.3032 received a favorable recommendation with amendment from the Judiciary Committee. This bill pertains to the **REPRESENTATION OF A CORPORATION OR PARTNERSHIP IN MAGISTRATE'S COURT**. As introduced, this bill provides that a professional corporation may designate in writing an employee or agent who may represent the corporation in magistrates' court. Under the Judiciary Committee's proposed amendment, a corporation or partnership may designate in writing an employee or principal of the corporation or partnership to represent it in magistrate's court. Under the Judiciary Committee's proposed amendment, a corporation or partnership is defined as a general partnership, a limited liability partnership, a limited liability company, a limited partnership, a professional association, a professional corporation, a nonprofit corporation, a business corporation, or a statutory close corporation. Notwithstanding any other provision of law, the person designated, while representing the corporation or partnership in magistrates' court, is not engaged in the unauthorized practice of law.

The Judiciary Committee gave a favorable report with amendment to H.3276. This bill relates to **CERTIFIED CANDIDATES NOMINATED BY PETITION, PRIMARY, OR CONVENTION**. As introduced, this bill provides that a candidate nominated by more than one party may not have the aggregate of all votes received counted to determine the winner in an election. The Judiciary Committee's proposed amendment is a strike all amendment, therefore, the text of the amendment would become the bill. Under the Judiciary Committee's proposed amendment, (1) a candidate may not be nominated by more than one party, and (2) a candidate nominated by a party may not also be a candidate by petition. The Judiciary Committee's proposed amendment further provides that the authority charged by law with printing the ballot shall print the name of a candidate with the one political party that nominates him or her and may not print his or her name as nominated by more than one party or method.

The Judiciary Committee adjourned debate on H.3259, a bill pertaining to **PUSH-POLLING**. As introduced, this bill defines a "push-poll" as a paid telephone survey supporting or opposing any candidate for public office and conducted by or on behalf of a candidate or committee that: (1) asks questions or gives statements relating to candidates for public office that state, imply, or convey information about another candidate's character, status, or political stance or record; and (2) is conducted in a manner that is likely to be construed by the person receiving the call to be a survey or poll which uses an established method of scientific sampling and gather statistical data for entities or organizations that are acting independently of any political party, candidate, or interest group. Under H.3259, a person who conducts a push-poll, must disclose the name of the candidate or committee that paid for, sponsored, donated, or authorized the call. If the call is an independent expenditure, the disclosure must also state that no candidate has approved the call. No person or organization shall state or imply false or fictitious names or telephone numbers when providing the disclosures required by this legislation. Under H.3259, the entity in charge of conducting a push-poll must file the name, telephone number, and address of the candidate or committee who paid for, sponsored, donated, or authorized the poll, together with the text of the poll with the State Election Commission within twenty-four hours or on the next regular work day after the poll is initiated. Penalties are established for failure to comply with this legislation.

H.3159, a bill relating to **DISQUALIFICATIONS FOR REGISTRATION TO VOTE**, was reported out of the Judiciary Committee favorably with an amendment. Currently, a person is disqualified from being registered or voting, if he/she is convicted of a felony or offenses against the election laws, unless the disqualification has been removed by service of the sentence, including probation and parole time unless sooner pardoned. As introduced, the bill provides that a person is disqualified from being registered or voting if he/she is convicted of a felony or offenses against the election laws, unless the disqualification has been removed by pardon. The Judiciary Committee's proposed amendment to H.3159 is a strike all amendment, therefore, the text of the amendment would become the bill. Under the Judiciary Committee's proposed amendment, a person is disqualified from being registered or voting if he/she: (1) is convicted of a violent crime or offenses against the election

laws, unless the disqualification has been removed by pardon, or (2) is convicted of any other felony unless the disqualification has been removed by pardon or fifteen years or more has passed after the completion date of service of the sentence, including probation and parole time.

The Judiciary Committee gave a favorable recommendation with amendment to **H.3270**, a bill pertaining to **THE SOUTH CAROLINA EMPLOYMENT SECURITY COMMISSION**. The introduced version of the bill provides that each seat on the South Carolina Employment Security Commission is a separate office and must be assigned a numerical designation. Under the introduced version of this bill, each election must be for a specific seat on the Commission. The bill further provides that the term of office for the commissioners begins on July 1 of each presidential election year. Under the Judiciary Committee's proposed amendment, no person may concurrently seek more than one seat.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Tuesday, January 30, and reported out three bills. The Committee gave a favorable report on **H.3142**, a bill revising enforcement of South Carolina's **RIGHT TO WORK LAWS** which prohibit practices that have the effect of making employment contingent upon whether or not an employee is affiliated with a labor union or organization. The bill broadens the investigatory powers of the Department of Labor, Licensing and Regulation (LLR) in disputes arising from alleged violations of the Right to Work laws. In the course of investigating claims, the Director of the Department of Labor, Licensing and Regulation is authorized to hold hearings and enter a workplace in order to evaluate compliance. The Director is authorized to assess a violator a civil penalty of not more than one hundred dollars for each offense. The bill makes several amendments to penalty provisions and broadens the scope of persons prohibited from participating in unlawful labor agreements that violate an employee's right to work by allowing for penalties and/or causes of action against any person for violations of the chapter. Current law allows for such actions to be taken against employers, only. The legislation also creates a private cause of action under which a person who has been denied employment or deprived of continued employment through force, intimidation, obstruction, interference, or through other means in violation of the State's Right to Work provisions is entitled to recover from the employer actual damages as well as punitive damages awarded at the discretion of the court or jury.

The Committee gave a report of favorable with amendment to **H.3288**, a bill pertaining to the licensure and regulation of the **MANUFACTURED HOUSING BUSINESS**. This bill conforms provisions relating to the Manufactured Housing Board to the statutory organizational framework established for boards under the administration of the Department of Labor, Licensing and Regulation. The bill also provides for other substantive changes. The legislation reduces from five to two the number of manufactured homes that may be sold without a license. The Manufactured Housing Board is authorized to contract out for examination services

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for applicants for licensure. The bill provides that the licensure cycle is to be biennial rather than annual. The legislation requires training for manufactured housing dealers, and increases the amount of the bond required of dealers from \$15,000 to \$30,000. Local jurisdictions are authorized to charge installation fees in an amount up to \$100. The legislation limits the number of sales from repossession by financial organizations that may be conducted without the use of a manufactured housing dealer.

The Committee gave a report of favorable with amendment to **H.3289** a bill pertaining to the authority to establish a **MINIMUM WAGE**. The Committee approved an amendment that would completely rewrite the bill. Under the version approved by the Committee, the legislation provides that no political subdivision of this State (including, but not limited to, a municipality, county, school district, special purpose district, or public service district) may establish, mandate, or otherwise require a minimum wage that exceeds the federal minimum wage set forth in the Fair Labor Standards Act of 1938. Also, a political subdivision of this State may not establish, mandate, or otherwise require a minimum wage standard related to employee wages that are exempt under the Fair Labor Standards Act of 1938. The legislation also applies these restrictions on setting higher minimum wage standards to state laws. The legislation does not limit the authority of the State or its political subdivisions from establishing wage standards in contracts to which they are a party.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

WAYS AND MEANS

The full Ways and Means Committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3372 LEGAL IMMUNITY FOR PROVIDERES OF ANIMAL EMERGENCY CARE Rep. Sharpe

This bill provides that any person, including a person licensed to practice veterinary medicine, or an animal control officer or agent of the South Carolina Society for the Prevention of Cruelty to Animals or any society incorporated for that purpose, who

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in good faith and without compensation for services provided, acting without malice, recklessness or gross negligence, renders emergency care or treatment to an animal which is abandoned, ill, injured or in distress related to an accident or disaster, shall not be liable or subject to any civil or criminal liability for any injuries or harm to such animal resulting from the rendering of such care or treatment, or any act or failure to act to provide or arrange for further medical treatment or care for such animal

H.3374 SOUTH CAROLINA ALLIGATOR FARMING ACT OF 2001

Rep. Barrett

This bill establishes the South Carolina Alligator Farming Act to provide for the manner in which a person may engage in the business of propagating alligators. The bill provides for alligator farming licensing and fees. The legislation provides for licensure, regulation, and fees for the trade of alligator parts. The legislation prohibits the taking or possession of alligators or their eggs, skins, or parts, except as provided under the act. Penalties are provided for violations.

EDUCATION AND PUBLIC WORKS

H.3386 CHARTER SCHOOLS Rep. Townsend

This bill revises current law regarding the organization, operation, and governance of charter schools in South Carolina. These revisions include, but are not limited to, the following:

- Deletion of the current requirement that a charter school's enrollment may not differ from the **racial composition** of the school district by more than ten percent, and deletion of the current requirement that the charter school application shall describe how the school plans to ensure that its enrollment is similar to the racial composition of the school district; the bill adds a provision requiring that the application must include assurance that the school **does not conflict with any school district desegregation plan** or order in effect;
- A provision that an applicant for a charter school shall seek sponsorship of its charter from, and apply to, the **State Board of Education** rather than the local school board, as is currently required. The bill provides that the local board may offer recommendations to the applicant or to the State Board, and the State Board shall approve or deny the application within ninety days after receipt of the application. The bill provides that the State Board's action is final, subject to judicial review. Also, students who appeal denial of admission would appeal to the State Board of Education rather than to the school board. The bill shifts the majority of powers and responsibilities related to charter schools, from the local school board to the State Board of Education.
- Revision of the requirements for a **"noncertified teacher"** to teach in a charter school, so as to require completion of at least one year of study at an

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accredited college or university, and so as to require state fingerprint review. Currently, there are no fingerprinting or college study requirements for a noncertified teacher to teach in a charter school. Currently, they need only be considered "appropriately qualified" for the subject matter taught, and approved by the charter committee;

- Addition of a provision that a **certified teacher** in a charter school must be currently certified, or must currently meet the qualifications outlined in the *Interstate Agreement on Qualification* and must undergo state fingerprint review;
- Revision of the definition of "**charter committee**" so as to provide that the charter committee governs the charter school only through the application process and until the election of a board of directors is held. After the election, the **board of directors** of the corporation must be organized as the governing body and the charter committee is dissolved. Currently, the charter committee is the board of directors;
- Addition of a requirement that in either a new or converted charter school, teachers teaching in **specified core academic areas** must be certified in those areas or possess a baccalaureate or graduate degree in the subject he or she is hired to teach;
- Addition of a requirement that a charter school must hire in its discretion **administrative staff** to oversee the daily operation of the school, and at least one of the administrative staff must be certified in the field of school administration;
- Revision of the charter school **approval/renewal period** from the current three school years to five school years, and revision of the current provision allowing revocation or non-renewal of a charter for specified reasons, so as to require revocation or non-renewal of the charter for these reasons.
- Addition of a provision that children of the charter committee may receive enrollment priority provided their enrollment does not constitute more than 25% of the total school enrollment, and addition of a provision that enrollment priority must be given to children enrolled in a school at the time the school converts to a charter school.
- Addition of a provision that a child who resides in a school district other than the one where a charter school is located may attend a charter school outside his district of residence, and the charter school to which the child transfers is eligible for state and federal funding as provided under current charter school provisions;
- Addition of a provision that, although the school district in which the charter school is located has no obligation to provide **extracurricular activities** or access to facilities of the school district for the charter school's students, a

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charter contract may include participation in agreed upon interscholastic activities at a designated school if agreed upon by the local school district board for the district in which the charter school is located;

- Addition of a provision that if a school district declares a **building surplus** and chooses to sell or lease the building, a charter school's board or a charter committee operating or applying within the district must be given first refusal to purchase or lease the building pursuant to the same terms and conditions it would be offered to the public.

H.3398 HIGHWAY RIGHTS-OF-WAY Rep. Snow

This bill allows the Department of Transportation to enter into contracts with farmers to maintain the rights-of-way of rural portions of the state's highways.

H.3427 LICENSE PLATES FOR WORLD WAR II VETERANS Rep. Knotts

This bill provides for special license plates for World War II veterans and provides that a portion of the fee for issuance of the plates must be used to support and promote ROTC programs in the state's public schools.

JUDICIARY

S.132 PENALTIES FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE Sen. Hutto

This bill relates to the penalties for operating a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics. The bill provides that a violation of *South Carolina Code of Laws* §56-5-2930 (unlawful to operate a motor vehicle while under influence) or *South Carolina Code of Laws* §56-5-2933 (driving with an unlawful alcohol concentration) constitutes a prior offense for purposes of determining subsequent violations in accordance with *South Carolina Code of Laws* §56-5-2940. The bill further provides that this is a clarification of and not a change to the current law.

H.3376 "PRIVATE ATTORNEY RETENTION SUNSHINE ACT" Rep. Barrett

This bill enacts the "Private Attorney Retention Sunshine Act", which requires competitive bidding for attorney services rendered on behalf of the state or a state agency. The bill provides for the opportunity for legislative hearings whenever the state or a state agency proposes to enter into an attorney fee contract which may reasonably be expected to exceed four hundred fifty thousand dollars, and the bill limits the hourly rate when contingent fees are awarded to attorneys representing the state or its agencies.

H.3380 BUNGEE JUMPING Rep. Jennings

This bill relates to definitions concerning bungee jumping so as to include in the regulation of bungee jumping devices in which the bungee cord is a wire rope, cable, spring, or other device similar in design or use.

H.3384 THE INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

Rep. Campsen

This bill creates the Interstate Compact for Adult Offender Supervision. The Interstate Commission for Adult Offender Supervision shall promote interstate cooperation and establish uniform procedures to oversee the interstate movement of adult offenders in participating states, and shall monitor activities administered in non-participating states which may significantly affect states within the compact.

Each participating state shall establish a State Council to appoint a commissioner as the voting representative of the state on the Interstate Commission. In addition, each state shall select ex officio members from interested organizations, including the state Chief Justice and Attorney General. The Commission shall meet at least once a year, and each participating state is allowed one vote. An Executive Committee shall administer the daily operations of the Commission, including enforcement and compliance.

Each State Council shall consist of at least one representative from the legislative, judicial and executive branches of government and victims groups, as well as the state's Compact Administrator, who shall be appointed either by the Council or by the Governor in consultation with the legislature and the judiciary.

The Interstate Commission may promulgate rules, which shall have the force and effect of law and shall be binding on all participating states. Among other powers, the Commission may oversee, supervise and coordinate the interstate movement of offenders, and enforce compliance with compact provisions and Commission rules. Members, officers and employees of the Commission shall be immune from liability, either personally or in their official capacity, for any civil claim arising out of acts or omissions that occurred within the scope of the Interstate Commission involvement.

The Commission shall establish in its by-laws procedures which govern public inspection of its records. The Commission may exempt from disclosure any records to the extent disclosure would adversely affect personal property rights or proprietary interests. Under certain conditions, certified by the Commission's chief legal officer, meetings of the Commission may be closed to the public. The procedure for rulemaking must substantially conform to the principles of the federal Administrative Procedure Act.

Courts and executive agencies in each compacting state shall enforce the compact by taking all necessary and appropriate actions. The Interstate Commission shall be entitled to service of process and shall have standing to intervene in any judicial or administrative proceeding which may affect the powers, duties or actions of the Interstate Commission. The compacting states shall report to the Commission, and cooperate with the Commission in the discharge of its duties. The Commission shall attempt to resolve any dispute between compacting states, including by mediation and binding dispute resolution.

The Commission shall pay the reasonable expenses of its establishment and ongoing activities, through a levy on each compacting state. The annual aggregate

assessment shall be allocated based on a formula determined by the Commission, taking into consideration the states' populations and the volume of interstate movement of offenders.

The Compact shall be effective upon certification to the Governor that no less than thirty-five states have legislatively enacted the compact into law. A state may withdraw from the Compact by repealing the relevant laws.

H.3389 THE RONALD WILSON REAGAN COMMEMORATIVE COMMITTEE

Rep. W.D. Smith

This House Resolution establishes the Ronald Wilson Reagan Commemorative Committee to select an artist to paint a portrait of the Honorable Ronald Wilson Reagan, Fortieth President Of The United States. This House Resolution requires the committee to perform certain other functions, including the raising of private funding for the portrait. The House Resolution provides that the portrait shall be placed appropriately in the hall of the House of Representatives upon completion.

H.3393 JUDICIAL DISCRETION Rep. Davenport

This bill relates to the penalties for operating a motor vehicle while under the influence of alcohol or other controlled substances. Under current law, a judge may allow the sentence to be served upon terms and conditions as he or she considers proper including, but not limited to, weekend service or nighttime service in any fashion he or she considers necessary. The bill deletes these provisions which give a judge discretion to determine when and how the sentence may be served.

H.3395 THE TORT CLAIMS ACT Rep. Davenport

This bill provides that the limitations and restrictions under the Tort Claims Act do not prohibit an award for the negligent infliction of emotional distress against an agency of the State in which the infliction of emotional distress resulted from the agency's gross negligence in carrying out or failing to carry out its responsibilities under the Children's Code relative to child abuse and neglect. The bill further provides that the emotional distress must be established by the testimony of two physicians, psychologists, or psychiatrists, including testimony that the emotional distress caused significant temporary or permanent impairment to the plaintiff that was manifested by recurring physical symptoms that required medical treatment.

H.3397 "PARENTAL RIGHTS AND RESPONSIBILITIES ACT" Rep. Davenport

This bill establishes the rights of parents to direct the upbringing of their children, and the bill prohibits the State from interfering in this right. Under this bill, a parent may raise a violation of the "Parental Rights and Responsibilities Act" in an action in a court as a claim or defense. A parent who prevails in an action brought or defended under this legislation is entitled to court costs and attorney's fees. This bill does not apply to (1) domestic relations cases concerning parental rights between parents in custody disputes, or (2) any other dispute between parents.

H.3399 DISPOSITION OF PROPERTY RECOVERED BY A SHERIFF OR CHIEF OF POLICE Rep. Harrison

This bill authorizes the designee of a sheriff or designee of a chief of police to turn over all proceeds from a sale of property recovered by a sheriff or chief of police to a county or municipal treasurer.

H.3400 FORFEITURE, CONFISCATION AND DISPOSITION OF A MOTOR VEHICLE SEIZED FROM A PERSON CONVICTED OF DRIVING WITH A SUSPENDED DRIVER'S LICENSE OR DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF BOTH SUBSTANCES Rep. Harrison

Under this bill, the designee of a sheriff, or designee of a chief of police, is authorized to sell certain vehicles at public auction.

H.3401 MEMBERS OF CERTAIN PROFESSIONAL SOCIETIES WHO ARE EXEMPT FROM TORT LIABILITY Rep. Harrison

This bill relates to members of certain professional societies who are exempt from tort liability. Specifically, the bill revises the definition of professional society to include criminal justice organizations.

H.3402 SHERIFFS' AND DEPUTY SHERIFFS' BADGES Rep. Harrison

This bill outlines a description of the official badge to be worn by the state's sheriffs and deputy sheriffs. Under this bill, it is unlawful for a person other than a sheriff or a deputy sheriff to wear an official sheriff's badge or to wear a similar insignia. A person who violates the provisions of this bill, upon conviction, must be fined not less than one hundred dollars, or imprisoned not less than thirty days.

H.3403 THE SALE OF CERTAIN ABANDONED VEHICLES Rep. Harrison

This bill relates to the sale of certain abandoned vehicles; specifically, the bill authorizes a sheriff's designee or chief of police's designee to sell an abandoned vehicle at a public auction.

H.3404 INCREASED PENALTIES FOR OFFENSES AGAINST ELECTION LAWS Rep. Fleming

Currently, a person who falsely swears in making an application for registration is guilty of a misdemeanor, and upon conviction an individual must be fined in the discretion of the court or imprisoned not more than three years, or both. Under this bill, a person who falsely swears in making an application for registration is guilty of a felony, and upon conviction an individual must be fined in the discretion of the court or imprisoned not more than five years, or both.

Currently, the penalty for fraudulent registration or voting is a misdemeanor, and upon conviction a person must be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not more than one year, or both. Under this bill, the penalty for fraudulent registration or voting is a felony, and upon conviction a person must be fined in the discretion of the court, or imprisoned not more than ten years, or both.

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This bill creates the offense of bribing a person to register to vote. Under this bill, it is unlawful for a person at any election to (1) register someone for consideration of money or (2) procure, offer, or propose to procure, another to register to vote, by the payment, delivery, or promise of money or other article of value.

Additionally, this bill prohibits a person from using threats or another form of intimidation to endeavor another to register to vote. Currently the penalty for procuring or offering to procure votes by threats, is a misdemeanor, and an individual upon conviction must be fined not less than one hundred dollar nor more than five hundred dollars or imprisoned not more than three years, or both. Under this bill, the penalty for procuring or offering to procure votes by threats, is a felony, and an individual upon conviction must be fined in the discretion of the court or imprisoned not more than ten years, or both.

H.3405 PURCHASING A PISTOL Rep. Fleming

This bill deletes the provisions that prohibit a person from purchasing more than one pistol on an application and from purchasing more than one pistol during each thirty-day period.

H.3412 BAIL BONDSMEN AND RUNNERS Rep. Knotts

This bill revises the definition of "accommodation bondsman" as used in *South Carolina Code of Laws* §38-53-10. Under this bill, an accommodation bondsman must obtain sufficient documentation of real property ownership and a copy must be attached to the bond form before a defendant is released. An accommodation bondsman cannot be liable for more than two bonds per year and is prohibited from being a surety upon a bond other than for his or her spouse, parent, brother, sister, child, or descendant.

The bill revises the definition of "bail bondsman" as used in *South Carolina Code of Laws* §38-53-10 so as to include a runner bondsman who is licensed to execute appearance bonds and apprehend a defendant who violated a condition of the bond.

The bill revises the definition of "runner" as used in *South Carolina Code of Laws* §38-53-10. Under this bill, a runner means a person employed by any licensed bail bondsman, except an accommodation bondsman.

The bill also revises the definition of "surety" as used in *South Carolina Code of Laws* §38-53-10. Under this bill, surety means one who, with the defendant and any indemnitors, is liable for the amount of the bail bond upon forfeiture of bail.

This bill revises the definition of "good cause" to mean the violation of a specific term of bail, which includes the nonpayment of fees. This bill revises the conditions upon which a surety may be relieved of a bond. If a surety desires to be relieved on a bond for good cause, this bill requires a copy of the motion to be served by the bail bondsman or his or her representative upon the defendant, his or her attorney, and the solicitor's office. If good cause is found, the bondsman is not required to refund any portion of the fee. Under the bill, if the defendant is placed into a drug treatment court or pretrial intervention program, the surety must be relieved of the

bond. Also under the bill, if the defendant appears before the court and is found guilty, fined, and placed on a time payment plan by the court, the surety is relieved of liability.

This bill amends *South Carolina Code of Laws* §38-53-70, relating to the issuance of a bench warrant and remission of judgment. Under this bill, if the surety fails to surrender the defendant or places, or attempts to place, a hold on the defendant's release from incarceration, commitment, or institutionalization within 60 days after notification to the surety and the bail bondsman by certified mail of the issuance of the bench warrant, the bond must be forfeited. Notice of the rule to show cause hearing must be served before the expiration of the 60-day period. This bill also provides that the court must permit the surety to pay the estreatment in six equal monthly installments; the first installment must be paid 30 days after the date of the hearing.

Under this bill, a person filing an application to be licensed as a professional bondsman or runner must have the fingerprints and photograph he or she submits with the application certified by a law enforcement officer. This bill also allows a bail bondsman or runner to assist any other bonding agent or agency in locating, apprehending, and returning a defendant who has violated a condition of the bond.

Under this bill, an applicant for a license to become a runner must show that he or she is endorsed by a licensed bail bondsman who has obligated himself or herself to supervise the runner's activities. Also, the bill deletes the requirement that a runner must show that he or she will be employed by only one bail bondsman who will supervise his or her work and is responsible for the runner's conduct in the bail bond business.

Under this bill, the Department of Insurance must issue a picture identification to all licensed bail bondsmen in the State. Also under this bill, no county, city, or town in this State shall license or levy a license tax on bail bondsmen and may not require a bondsman to deposit collateral security as a condition for continuing to write bail bonds.

**H.3415 DRIVING MORE THAN FIFTEEN MILES AN HOUR OVER THE
POSTED SPEED LIMIT ON AN INTERSTATE HIGHWAY** Rep. Stille

Under this bill, a motor vehicle driven by a person charged with driving more than fifteen miles an hour over the posted speed limit on an interstate highway must be temporarily impounded. However, no vehicle impounded may be released unless all towing and storage costs have first been paid.

The owner of the impounded vehicle may apply for its immediate release to the magistrates or municipal court having jurisdiction of the violation. Grounds for release are severe economic or family hardship. Upon such a finding, the court shall order the release of the vehicle upon payment of all towing and storage costs.

H.3416 MOTOR VEHICLE DRIVEN BY A PERSON WHO IS NOT A LICENSED DRIVER, WHOSE LICENSE TO DRIVE HAS BEEN CANCELED, SUSPENDED, OR REVOKED, OR WHO IS UNINSURED Rep. Stille

Under this bill, a motor vehicle driven by a person who is not a licensed driver, whose license to drive has been canceled, suspended, or revoked, or who is uninsured, must be impounded. The bill requires that the impoundment costs be borne by the driver. This bill does not apply to vehicles owned by rental car companies.

H.3417 LOBBYING BY STATE ENTITIES Rep. Merrill

This bill provides that it is unlawful for a state agency, instrumentality, or department to expend public funds in order to employ or contract with a person whose duties consist, in whole or in part, of activities related to lobbying.

The provisions of this bill do not apply: (1) appearances by the administrative head of a state agency, instrumentality, or department before a public body by specific request; and (2) authorized employees of the General Assembly, Office of the Governor, State Supreme Court, the State Budget and Control Board, or the Department of Revenue, whose duties are to assess the impact of proposals which affect the administration of state government.

H.3420 THE AWARDING OF ATTORNEY'S FEES IN STATE INITIATED ACTIONS Rep. Robison

This bill provides that in any civil action or administrative proceeding, a prevailing private party may be awarded attorney's fees against the State, or a political subdivision or agency of the State, if the court, chief procurement officer, administrative law judge, procurement review panel, or other appropriate tribunal finds that:

- (1) the State, or political subdivision or agency of the State, acted without substantial justification in bringing or defending its claims against the prevailing private party; and
- (2) there are no special circumstances that would make the award of attorney's fees unjust.

Also, this bill provides that a private party entitled to attorney's fees must petition for the attorney's fees within thirty days following the later of: (1) the final disposition of the case; or (2) the issuance of a final administrative decision.

H.3424 "MANDATORY PARENTING PLAN ACT" Rep. Knotts

This bill creates the Mandatory Parenting Plan Act. This bill requires each party in an action where the (1) custody, (2) visitation, or (3) support of a minor child is an issue, to file a parenting plan within ninety days of filing the complaint.

This bill has provisions detailing what information should be included in the parenting plan. The bill provides that the parenting plan may be used only to address issues relating to parenting functions.

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Within forty-five days from the date the parenting plan was to be filed, the parties are required to file a mutually agreed upon parenting plan. If the parties can not agree to a parenting plan, then the bill requires that the parties be referred to mediation and then as a last resort to the court.

The bill has provisions allowing the court to suspend or modify the parenting plan in certain circumstances. However, the bill does require a court to issue written finding of act and an explanation of the reasons for modifying or suspending the parenting plan.

Under this bill, the court is required to make available to each party a "parenting plan kit" which includes a sample parenting plan.

H.3425 ADOPTION OF THE FEDERAL EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986 Rep. Knotts

The federal Emergency Planning and Community Right-to-Know Act (EPCRA) is a program with two main goals: (1) to facilitate and promote planning for chemical emergencies at the state and local levels, and (2) to provide information to the public about the chemicals used, stored, and released in their communities. This bill authorizes the Department of Health and Environmental Control to implement and enforce the EPCRA and its subsequent amendments. Under this bill, the federal law would be the law of this State. However, the bill does provide for one variance from the federal law.

The EPCRA requires the owner or operator of any facility which is required to prepare or have available a material safety data sheet for a hazardous chemical under the Occupational Safety and Health Act of 1970 to submit a material safety data sheet for each hazardous chemical to the following: (1) the appropriate local emergency planning committee (2) the State emergency response commission, and (3) the fire department with jurisdiction over the facility. As for the initial submission and updating of the material safety data sheet or list, current federal law references a 1986 deadline. Under this bill, the deadline for submission and updating of the material safety data sheet or list would be as follows:

- three months after the owner or operator of a facility is required to prepare or have available a material safety data sheet for the chemical under the Occupational Safety and Health Act of 1970 and regulations promulgated under that Act, or
- 72 hours prior to receiving on site by an owner or operator of hazardous chemicals under the Occupational Safety and Health Act of 1970 for which no previous material safety data sheets had been reported as otherwise required

Additionally, within 3 months following discovery of significant new information concerning an aspect of a hazardous chemical for which a material safety data sheet was previously submitted to the local emergency planning committee, a revised sheet must be provided.

H.3429 CRIMINAL TRIALS Rep. Knotts

This bill provides that except for the offense of murder, solicitors must call cases for trial within one year of the indictment. However, the bill does authorize the court to grant a continuance of a case beyond this statutory limit so long as the judge states, on the record, the reasons for granting a continuance and sets a date for the trial. Also, the bill requires, with exceptions, that the State must present an indictment within ninety days after a warrant has been issued.

H.3430 JOINT CUSTODY OF A CHILD Rep. Knotts

In proceedings where child custody and visitation are in dispute, this bill provides that there is a presumption that joint custody is in the best interest of the child. This bill also requires a court to order joint custody, unless there are written findings that (1) a parent is unfit, or (2) a parent is geographically removed. This bill further provides that the court should equalize and promote opportunities for each parent to be involved in activities in the child's life.

H.3431 SOUTH CAROLINA VIOLENCE PREVENTION AUTHORITY

Rep. Knotts

This bill establishes the South Carolina Violence Prevention Authority. The bill has provisions detailing how the twenty members of the authority will be chosen.

Under the bill, the duties and responsibilities of the authority include the following: (1) coordinating statewide violence prevention efforts, (2) obtaining and expending funds available from private and public sources for violence prevention, (3) distributing grants and other available funds to appropriate community or statewide organizations, and (4) providing technical assistance and training to communities and organizations.

This bill also authorizes the issuance of violence prevention motor vehicle license plates. Under the bill, the fees collected from the sale of the license plates must be used for the operation of the South Carolina Violence Prevention Authority.

H.3435 PEREMPTORY CHALLENGES IN CRIMINAL CASES Rep. Wilkins

Current law provides that any person who is arraigned for the crime of murder, manslaughter, burglary, arson, criminal sexual conduct, armed robbery, grand larceny, or breach of trust when it is punishable as for grand larceny, perjury, or forgery is entitled to peremptory challenges not exceeding ten, and the State in these cases is entitled to peremptory challenges not exceeding five. Current law also provides that in a case where more than one defendant is jointly tried, no more than twenty peremptory challenges are allowed in all to the defendants. In felonies when there is more than one defendant jointly tried, the State has ten peremptory challenges. Current law also provides that in misdemeanors when there is more than one defendant jointly tried no more than ten peremptory challenges are allowed in all to the defendants.

This bill equalizes the number of peremptory challenges allowed to defendants and to the State in criminal cases. This bill provides that a person who is arraigned for the crime of murder, manslaughter, burglary first degree, arson first or second

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degree, criminal sexual conduct first or second degree, armed robbery, homicide by child abuse, assault and battery with intent to kill, kidnapping, felony DUI, trafficking in cocaine, trafficking in heroin, or trafficking in crack, ice, or crank, is entitled to peremptory challenges not exceeding ten, and the State in these cases is entitled to peremptory challenges not exceeding ten. The bill also provides that in a case where more than one defendant is jointly tried, no more than ten peremptory challenges are allowed in all to the defendants. Also, no more than ten peremptory challenges are allowed to the State.

H.3436 RECORDS OF THE LEGISLATIVE AUDIT COUNCIL Rep. Wilkins

Under current law, all records of the Legislative Audit Council with the exception of its final audit reports are confidential and not subject to public disclosure prior to the publication of the final audit report. This bill provides that all records and audit working papers of the Legislative Audit Council are confidential at all times.

H.3437 CORONERS Rep. Wilkins

This bill relating to the duties and authority of the Office of County Medical Examiner, so as to add that the coroner or his or her designee in the county is also authorized to perform certain duties and is required to make certain notifications in the same manner as the county medical examiner.

Specifically, this bill provides that the coroner or his or her designee, shall have the power to determine that an autopsy shall be made in addition to the powers vested in other law-enforcement officials to order an autopsy.

This bill further provides that if a person dies as a result of violence, apparent suicide, when in apparent good health, unattended by a physician, or in any suspicious or unusual manner or while an inmate of a penal or correctional institution or stillbirths not attended by a physician, a person having knowledge of the death immediately shall notify the coroner's office in addition to the county medical examiner.

This bill requires the coroner or his or her designee to notify the Department of Child Fatalities of certain child deaths. This bill authorizes the coroner and his or her designee to petition for a warrant to inspect the home of a child whose death occurred elsewhere.

Additionally, this bill makes it unlawful to move or transport a body from the place where the body was found unless the removal or transportation is authorized by the coroner or coroner's designee.

H.3450 THE OFFENSE OF MISDEMEANOR DEATH BY A VEHICLE Rep. Bingham

Under this bill, a person is guilty of the offense of misdemeanor death by a vehicle if he or she unintentionally causes the death of another person while violating a state law or local ordinance which applies to the operation or use of a vehicle or to the regulation of traffic, except causing great bodily injury or death by operating a vehicle while under the influence of alcohol, drugs, or the combination of both, or

reckless homicide. A person convicted of misdemeanor death by a vehicle must be imprisoned not more than sixty days.

H.3452 COMMON LAW MARRIAGES Rep. Whipper

This bill provides that common law marriage is not valid in the state after July 1, 2001. The bill further provides that otherwise valid common law marriages entered into before July 1, 2001 will continue to be recognized in the state. This bill repeals *South Carolina Code of Laws* §20-1-360 relating to the validity of a marriage contracted without the issuance of a license.

H.3453 VIOLENT CRIMES Rep. Knotts

Under this bill, the following would be considered violent crimes: (1) criminal sexual conduct in the third degree, (2) assault with intent to commit criminal sexual conduct in the third degree, (3) lynching in the second degree, (4) common law robbery, (5) committing and attempting to commit a lewd act upon a child under the age of sixteen, and (5) causing death by operating a motor vehicle while under the influence of alcohol or drugs.

LABOR, COMMERCE, AND INDUSTRY

H.3373 NOTIFICATION OF LAND SURVEYS Rep. Barrett

This bill provides that a land surveyor performing a survey on a piece or parcel of property shall notify all adjoining landowners in writing before the survey is completed or recorded of any changes in the metes and bounds of the property being surveyed which also would effect the metes and bounds of the adjoining landowner. The notice must include a copy of the proposed plat with the changes enumerated thereon.

**H.3411 OCCUPATIONAL DISEASES OF LAW ENFORCEMENT OFFICERS
UNDER WORKERS' COMPENSATION Rep. Knotts**

Current law includes a provision that, for purposes of the South Carolina Workers' Compensation Law, an impairment or injury to the health of a firefighter caused by heart disease or respiratory disease resulting in total or partial disability, or death, shall be presumed to have arisen out of, and in the course of, employment, unless the contrary is shown by competent evidence. This bill broadens the legal presumption so as to include law enforcement officers as well as firefighters.

H.3413 SOUTH CAROLINA CEMETERY BOARD Rep. Knotts

This bill reinstates the South Carolina Cemetery Board and further provides for the licensing and regulation of cemetery companies under the Secretary of State. The bill repeals the existing chapter of the Code pertaining to the licensure and regulation of cemeteries.

H.3414 SOUTH CAROLINA PERPETUAL CARE CEMETERY ACT Rep. Knotts

This bill enacts the South Carolina Perpetual Care Cemetery Act. The legislation establishes the South Carolina Perpetual Care Cemetery Board and provides for its powers and duties. The bill revises provisions regarding the requirements for burial

vaults, cemeteries, and licenses. The legislation repeals the existing chapter of the Code pertaining to cemeteries.

**H.3439 LABOR UNION AFFILIATION DISALLOWED FOR SOUTH CAROLINA
PORTS AUTHORITY BOARD** Rep. Wilkins

This bill provides that a person may not be appointed to, or continue to serve as a member of, the South Carolina Ports Authority Board who is or becomes a member, associate, representative, or employee of a labor union if the principal activities of the union are ports-related.

H.3440 LICENSURE AND REGULATION OF RESIDENTIAL HOME BUILDERS
Rep. Sandifer

This bill revises provisions relating to residential builders, so as to conform them to the statutory organizational framework established for professional and occupational boards under the administration of the Department of Labor, Licensing and Regulation. The bill provides for citation penalties and further provides for the licensure and regulation of residential builders, residential specialty contractors, and home inspectors.

H.3441 REGULATION OF SEPTIC TANKS Rep. Sandifer

This bill establishes limits on the authority of the Department of Health and Environmental Control (DHEC) and county boards of health to deny issuance of septic tank permits and to otherwise regulate septic tanks. The bill requires DHEC to promulgate objective regulations concerning, respectively, permitting and regulating septic tanks in counties with a city of over seventy thousand and septic tanks at home sites. The bill provides that only objective specifications, rules, and regulations may be promulgated by county boards of health in counties with a city of over seventy thousand. The bill prohibits DHEC or county boards of health from denying the issuance of septic tank permits if certain criteria are met and from interfering in the sale of real property regardless of what type of sewage treatment systems are proposed. The bill establishes conditions that must be met in order for public hearings and comment to take place regarding septic tank permits.

H.3451 RENTAL VEHICLES Rep. Robinson

This bill revises provisions relating to the rental of private passenger vehicles so as to make these provisions apply to rental vehicles, as well. Under the legislation, a 'Rental vehicle' means a truck under 26,001 pounds gross vehicle weight and used in the transportation of personal property that is rented without a driver, and is not used by the customer for business purposes, or a trailer with a gross weight of not more than 6,000 pounds.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3379 NEWBORN EYE SCREENING TASK FORCE Rep. J. Brown

This joint resolution creates and provides for the membership of the Newborn Eye Screening Task Force to study the screening of ocular diseases and abnormalities in newborn children. The study should include review of currently required ocular

screenings of newborns, if any, identification of the most prevalent ocular diseases and abnormalities in newborns, and the effectiveness costs, and funding of screening for these diseases and abnormalities. The task force shall submit its report and recommendations to the Governor and General Assembly before January 1, 2002 at which time the task force is abolished.

H.3447 LICENSURE AND REGULATION OF SOCIAL WORKERS Rep. Cato

This bill revises provisions relating to the licensure and regulation of social workers so as to conform them to the statutory organizational framework for boards under the administration of the Department of Labor, Licensing and Regulation. The bill revises social work licensure classifications and their respective areas and scope of practice. The legislation provides a one-year period within which to convert a current license to a license within the revised classifications. The legislation further provides for the licensure and regulation of social workers.

WAYS AND MEANS

H.3375 USE OF SURPLUS FUNDS FOR RECURRING EXPENSES Rep. Barrett

This bill provides that a bill or joint resolution may not appropriate surplus funds for recurring expenses of state agencies, except to prevent an operating deficit of a state agency or in the annual state budget. For purposes of this provision, the bill provides a definition of "recurring expenditures."

H.3377 INCOME TAX DEDUCTIONS Rep. Barrett

This bill revises current law regarding an income tax deduction currently provided to volunteer firefighters or rescue squad members, so as to extend this deduction to reserve police officers. The bill also requires the Department of Public Safety (DPS) to establish a performance-based point system for reserve police officers, and provides that reserve police officers who receive annually a minimum number of points set by DPS are eligible for this deduction. The bill also includes record-keeping requirements for DPS regarding this point system.

H.3383 SALES TAX EXEMPTIONS Rep. Coates

This bill revises the law regarding the sales tax exemption currently provided for the gross proceeds of sales, or sales price of natural and liquefied petroleum gas and electricity used exclusively in the production of poultry, livestock, swine, and milk. The bill extends this exemption to include the sale of propane gas for this purpose, and the bill also provides that the sale of these gases or electricity to produce agricultural plants in greenhouses that subsequently will be replanted is also exempt from the sales tax.

H.3391 INCOME TAX DEDUCTION Rep. Merrill

This bill provides allows a taxpayer a deduction from South Carolina taxable income for each dependent claimable on the taxpayer's federal income return if that dependent reaches the age of sixty-five before or during the applicable tax year. The bill provides that the deduction also is allowed if the person who has attained the age of sixty-five could be claimed as a dependent by the taxpayer but for the

applicable income test. The bill provides that this deduction is an amount equal to the federal income tax personal exemption amount allowed for the applicable tax year.

H.3392 COUNTY OPTION TAX EXEMPTION/REASSESSMENT Rep. Bales

This bill revises the current county option tax exemption which limits to 15%, increases in fair market value of real property as a result of quadrennial reassessment in the county, by making the exemption **mandatory** and **statewide**. The bill also deletes the current provision which allows this exempted property to be counted in the bonded indebtedness limit.

H.3394 CALCULATION OF STATE INCOME Rep. Davenport

This bill provides that if real property used by a small business taxpayer as business real property is sold by him and, within a specified four year period, real property located in this State is purchased and used by the small business taxpayer as business real property, gain from the sale is recognized only to the extent that the adjusted sales price of the old business real property exceeds the taxpayer's cost of purchasing the new business real property. The bill also includes provisions relating to business real property exchange, acquisition upon exchange, construction and reconstruction. The bill provides that when the purchase of new business real property results in the nonrecognition of gain on the sale of the old business real property, the adjusted basis of the new business real property as of any time following the sale of the old business real property must reflect a reduction of the basis by an amount equal to the amount of the gain not recognized on the sale of the old business real property. The bill also includes definitions for "adjusted sales price," "small business taxpayer," and "business real property."

H.3396 NEW/INCREASED TAXES Rep. Davenport

This joint resolution proposes an amendment to the *S.C. Constitution* providing that: no State tax may be increased or new state tax imposed unless a majority of the State's voters approve the increase or new tax by voting in a referendum; this limitation is cumulative to other limitations on the taxing power and the limitation does not apply to a statewide property tax levied to avoid default on state bonds; spending increases by State government are limited to the rate of increase of the consumer price index and spending financed by bonded indebtedness or financed by revenues not derived from state taxes is exempt from the limitation; the limit is applied to any fee revenues when the fee is for a service formerly funded by state tax revenues; the Governor is authorized to declare a fiscal emergency which suspends these limitations for its duration; the limitations may be reimposed after the emergency; the General Assembly shall provide by law for the implementation of these limitations.

H.3418 RATIFICATION OF CAR TAX AMENDMENT Rep. Harrell

This bill ratifies an amendment to the *S.C. Constitution*, approved by the voters in November 2000, which provides that the percentage of fair market value of passenger motor vehicles and pickup trucks by which the vehicle is assessed for

purposes of property tax, must be incrementally reduced from 9.75% to 6% over a six year period.

H.3419 RATIFICATION OF CAR TAX AMENDMENT Rep. Harrell

This bill ratifies an amendment to the *S.C. Constitution*, approved by the voters in November 2000, which provides that the governing body of a county may, by ordinance and pursuant to a referendum, impose a sales and use tax in order to exempt all or a portion of the value of certain specified vehicles from property taxes levied in the county.

H.3426 COMPLIANCE WITH SELECTIVE SERVICE ACT Rep. Knotts

This bill prohibits a male eighteen years of age or older from obtaining state government employment or employment with a political subdivision of the state unless the person is in compliance with the Federal Military Selective Service Act.

The bill also prohibits an individual from receiving a loan, grant, scholarship, or other financial assistance funded by state revenue, or from receiving a student loan guaranteed by this state, unless the individual files a statement of the individual's selective service status as provided in the bill. The bill provides exceptions to this prohibition and requires the Commission on Higher Education to promulgate regulations to implement and administer this provision.

H.3428 SPECIAL PROPERTY REASSESSMENT Rep. Knotts

This bill provides for a special reassessment by the county assessor when the fair market value of real property adjacent to rivers, streams, ponds, lakes, or other bodies of water may have been adversely impacted by the release into the water of pollutants. The bill provides that fair market value may be reduced only by this special reassessment. The bill provides that the reduced value must be used in calculating the tax due on the property for the applicable tax year, and if the property owner has already paid taxes based on a higher value, the difference must be refunded. The bill also provides for appeal by the property owner in the event the property owner is not satisfied with the reduced fair market value or elects not to be subject to the special reassessment.

H.3432 SALES AND USE TAX EXEMPTIONS Rep. Knotts

This bill provides an exemption from state sales and use tax for meals or foodstuffs sold to persons who have been declared by the Social Security Administration to be totally disabled and who produce a written certification from the Department of Revenue confirming that declaration.

H.3433 IN-STATE TUITION RATES Rep. Knotts

This bill provides that a dependent of a person who is a resident of another state and who has paid S.C. income or local property taxes for the previous year in a total amount exceeding two thousand dollars is entitled to pay in-state tuition rates for the succeeding year at state institutions of higher learning.

H.3434 FREE TUITION FOR CERTAIN VETERANS' CHILDREN Rep. Knotts

This bill adds children of veterans who were awarded a purple heart for wounds received in combat, to the list of veterans' children who are provided free tuition at state-supported colleges, universities, and technical schools.

H.3438 NEW OR INCREASED TAXES Rep. Wilkins

This bill requires a two-thirds vote of the membership of the House and a two-thirds vote of the membership of the Senate for the imposition of a new or increased general tax. A general tax is a tax which applies to over fifty percent of the population as a whole.

H.3442 SALES TAX REDUCTION ON CERTAIN FOOD ITEMS Rep. Robinson

This bill provides a sales tax exemption, phased in over four years at an additional one percent reduction per year, on food items eligible for purchase with U.S. Department of Agriculture food coupons. The phase-in would begin July 1, 2001, and would provide a total exemption beginning January 1, 2005. The bill also provides that eighty percent of the revenues from sales taxes raised by these special tax rates must be credited to the general fund, and the remainder must be credited to the Education Improvement Act Fund.

The bill also amends an act of 2000 by deleting a sales tax exemption for food items, made obsolete by the provisions of **H.3442**.

H.3443 STATE INCOME TAX BRACKETS Rep. Robinson

This bill deletes the current provision which limits the annual inflation adjustment to state income tax brackets.

H.3445 DISABILITY RETIREMENT Rep. Taylor

This bill allows a disability retiree under the S.C. Retirement System to earn up to 125% of average final compensation before benefits are affected. Currently, such a retiree is allowed to earn an amount up to the difference between his retirement allowance and his average final compensation before benefits are affected. The bill also conforms to this revision current provisions regarding a retiree who returns to covered employment. The bill also provides that disability retirees under the S.C. Police Officer's Retirement System who return to covered employment may earn 125% of their average final compensation before benefits are affected.

H.3454 STATE INCOME TAX RATES Rep. Knotts

This bill provides that a maximum rate of five percent of S.C. taxable income applies to income received by or attributed to a taxpayer as a result of the taxpayer's status as a sole proprietor of a business, shareholder of a subchapter "S" corporation, partner in a partnership, or member of a limited liability company.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.net>) and click on the "Insider's Page," then click on "Legislative Update." This will list all of the *Legislative Updates* by date. Click on the date you need.

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LEGISLATIVE UPDATE

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